

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
S.P. 107 - L.D. 274

**An Act To Preserve and Protect Ancient Burial Grounds and Burial
Grounds in Which Veterans Are Buried**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 13 MRSA §1101, as amended by PL 1999, c. 700, §1, is repealed and the following enacted in its place:

§1101. Maintenance and repairs; municipality

1. Ancient burying grounds. In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located shall keep in good condition all graves, headstones, monuments and markers and, to the best of its ability given the location and accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

2. Grave sites of veterans in public burying grounds. In any public burying ground in which a veteran of the Armed Forces of the United States is buried, the municipality in which that burying ground is located shall keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in good condition and repair from May 1st to September 30th of each year, including:

A. Regrading the grave site to make it level when the grave site has sunk 3 or more inches compared to the surrounding ground;

B. Maintaining the proper height and orientation, both vertical and horizontal, of the headstone, monument or marker;

C. Ensuring that inscriptions on the headstone, monument or marker are visible and legible;

D. Ensuring that the average height of grass at the grave site is between 1.5 to 2.5 inches but no more than 3 inches;

E. Keeping a flat grave marker free of grass and debris; and

F. Keeping the burial place free of fallen trees, branches, vines and weeds.

Sec. 2. 13 MRSA §1101-B, as enacted by PL 1999, c. 700, §2, is amended to read:

§1101-B. Ancient burying grounds

1. Access to ancient burying grounds on privately owned land. The owner of an ancient burying ground shall provide ~~municipalities~~ a municipality or its caretaker designated pursuant to section 1101 access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide ~~municipalities~~ access may result in the owner being held responsible for any fines, court costs and attorney's fees incurred by municipalities in legally obtaining access or for failing to meet the requirements of section 1101.

2. Maintenance by landowner. A person who owns a parcel of land that contains an ancient burying ground and chooses to deny access to the municipality or its caretaker designated pursuant to section 1101 shall assume the duties as described in section 1101 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by the owner exempts the municipality from performing the duties as described in section 1101.